

Stephen Arnot OSB # 070765
Assistant United States Trustee
U.S. Department of Justice
Office of the United States Trustee
1220 SW 3rd Ave., Rm. 315
Portland, OR 97204
Tel: (503) 326-4004
Email: steve.arnot@usdoj.gov

Attorney for Gregory M. Garvin,
Acting United States Trustee for Region 18

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In re

Van's Aircraft, Inc.,

Debtor(s).

Case No. 23-62260-dwh11

UNITED STATES TRUSTEE'S LIMITED
OBJECTION TO DEBTOR'S MOTION TO
OBTAIN CREDIT

Gregory M. Garvin, Acting United States Trustee for Region 18 (the "U.S. Trustee"), by and through Assistant United States Trustee Stephen Arnot, files this limited objection to Debtor's Motion to Obtain Credit (Doc #12), as follows:

The loan agreement, attached as Exhibit A, provides for a perfected first priority lien on all unencumbered assets as of the petition date. The loan agreement further provides that: "No obligation, payment, transfer, or grant of security under the Loan Agreement ... shall be ... recoverable under the Bankruptcy Code ...(including, without limitation, under section 502(d) or based on any Avoidance Actions), or subject to any avoidance, disallowance, impairment, reduction, setoff, offset, recoupment, recharacterization, disgorgement, subordination (whether equitable, contractual, or otherwise), counterclaim, cross-claim, defense, surcharge, or any other challenge under the Bankruptcy Code..." (See Exhibit A, Page 16, to the Debtor's motion to obtain credit.)

The U.S. Trustee objects to any provision that allows a first priority on any property recovered pursuant to chapter 5 claims.

DATED this 7th day of December 2023.

Respectfully submitted,
GREGORY M. GARVIN
Acting United States Trustee for Region 18

/s/ Stephen Arnot
STEPHEN ARNOT OSB # 070765
Assistant United States Trustee

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2023, I served a copy of the foregoing UNITED STATES TRUSTEE'S OBJECTION TO DEBTOR'S MOTION FOR AUTHORITY TO USE CASH COLLATERAL on all parties included on the Court's CM/ECF electronic service list.

GREGORY M. GARVIN
Acting United States Trustee for Region 18

/s/ Stephen Arnot
STEPHEN ARNOT OSB # 070765
Assistant United States Trustee